

REMARKS

Applicants acknowledge receipt of a final Office Action dated July 23, 2010. In this response Applicants have amended claim 15. Following entry of these amendments, claims 15, 16, and 21 are still rejected; claims 16 and 21 depend on claim 15.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Rejections Under 35 U.S.C. § 102

Claims 15, 16 and 21 were rejected under 35 U.S.C. §102(b) over U.S. Patent 4,851,377 to Breault.

In this Amendment, claim 15 has been amended in several ways to become more distinguished from Breault. For example, new claim 15 now defines that the specific region includes at least one of: (a) the downstream portion of the oxidant gas passage; (b) a region of the oxidant gas passage, which, during the current generation reaction of the fuel cell, has a temperature lower than in the other regions of the cathode catalyst layer; or, (c) a region of the cathode catalyst layer removed from the current extraction portion.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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